

REMARKS

Claims 1, 5, 9 and 10 are pending in the present application. No amendments were made by the present response. Reconsideration of the claims is respectfully requested in view of the following discussion.

Allowable Subject Matter:

Applicants gratefully acknowledge that claim 9 has been allowed.

As to the Merits:

As to the merits of this case, the Examiner relies on the newly cited references of Lueck et al. (U.S. Patent No. 6,721,710) and Fujii et al. (U.S. Patent No. 6,816,491) in setting forth the following rejections:

1) claims 1, 5 and 10 stand rejected under 35 USC §102(e) as being anticipated by Lueck et al.; and

2) claims 1 and 5 stand rejected under 35 USC §102(e) as being anticipated by Fujii et al.

Each of these rejections is respectfully traversed.

It is respectfully submitted that the rejection of claims 1, 5 and 10 is improper since Lueck and Fujii each fail to qualify as prior art under 35 USC §§102 and 103(a).

More specifically, Lueck's effective filing date of December 13, 1999 and Fujii's filing date of November 3, 1999 each fall after the foreign priority date of August 25, 1999 for the present invention.

Moreover, in order to perfect the filing date of the present application and thereby establish the foreign priority date of August 25, 1999 as the effective filing date for the present application, Applicants enclose herewith a verified English language translation of the foreign priority document JP 11-237702 of the present invention. Accordingly, withdrawal of the rejections of claims 1, 5 and 10 based on Lueck and Fujii is respectfully requested.

In view of the aforementioned remarks, Applicants submit that that the claims are in condition for allowance. Applicants request such action at an early date.

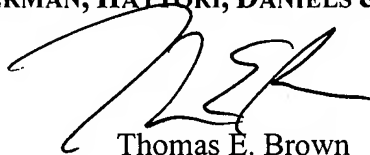
If the Examiner believes that this application is not now in condition for allowance, the Examiner is requested to contact Applicants' undersigned attorney to arrange for an interview to expedite the disposition of this case.

Response under 37 C.F.R. § 1.111
Attorney Docket No. 020179
U.S. Serial No.10/049,616

If this paper is not timely filed, Applicants respectfully petition for an appropriate extension of time. The fees for such an extension or any other fees that may be due with respect to this paper may be charged to Deposit Account No. 50-2866.

Respectfully submitted,

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Attachment: Verification English language translation of Japanese priority document
JP 11-237702